

Message Text

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ACTION EA-12

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DOE-11 FMC-02 TRSE-00 INT-05 IO-14 JUSE-00 NSF-02
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FM AMEMBASSY SEOUL

TO SECSTATE WASHDC 8731

INFO AMEMBASSY TOKYO

UNCLAS SECTION 1 OF 2 SEOUL 0374

CINCPAC

WE.O. 11652: N/A

SUBJECT: TEXT OF ROK TERRITORIAL SEA LEGISLATION

REF: 77 SEOUL 10944 (DTG 300659Z DEC 77)

1. FOLLOWING IS A TRANSLATION OF THE REPUBLIC OF KOREA'S
TERRITORIAL SEA ACT AS PASSED BY THE NATIONAL ASSEMBLY IV
DECEMBER 1977 AND PROMULGATED ON DECEMBER 31, 1977. THE
TEXT OF THE LAW DIFFERS FROM THAT CITED IN REF A ONLY IN
THE FINAL PARAGRAPH, REGARDING EFFECTIVE DATE. THE TRANS-
LATION HAS BEEN PREPARED BY THE EMBASSY IN CONSULTATION WITH
THE KOREAN LEGAL CENTER:

TITLE: TERRITORIAL SEA ACT

LAW NO. 3037

PROMULGATED ON DECEMBER 31, 1977

ARTICLE 1 (BOUNDS OF TERRITORIAL SEA)

THE TERRITORIAL SEA OF THE REPUBLIC OF KOREA SHALL ENCOMPASS
THE WATER ZONE WITHIN 12 NAUTICAL MILES EXTENDING OUTWARD
FROM THE BASE LINE; PROVIDED, HOWEVER, THAT IN CASE OF
CERTAIN WATER ZONES, THE BOUNDS OF THE TERRITORIAL SEA

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MAY BE SEPARATELY DETERMINED WITHIN 12 NAUTICAL MILES,
IN ACCORDANCE WITH THE PROVISIONS OF A PRESIDENTIAL DECREE.

ARTICLE 2 (BASE LINE)

PARAGRAPH 1. THE NORMAL BASE LINE USED TO MEASURE THE
WIDTH OF THE TERRITORIAL SEA SHALL BE THE LOW TIDE LINE

ALONG THE SHORE, AS SHOWN IN A SCALED HYDROGRAPHIC CHART OFFICIALLY RECOGNIZED BY THE REPUBLIC OF KOREA.
PARAGRAPH 2. IN CASE OF A WATER ZONE OF A SPECIFIC GEOGRAPHIC LOCATION, A STRAIGHT LINE CONNECTING BASE POINTS AS DETERMINED IN A PRESIDENTIAL DECREE MAY BE THE BASE LINE.

ARTICLE 3 (INTERNAL WATERS)

THE WATER ZONE EXTENDING TOWARDS THE SHORE FROM THE BASE LINE USED TO MEASURE THE WIDTH OF THE TERRITORIAL SEA SHALL BE DESIGNATED INTERNAL WATERS.

ARTICLE 7 (BOUNDARY LINE WITH ADJACENT OR OPPOSITE COUNTRY)

THE BOUNDARY LINE OF THE TERRITORIAL SEAS BETWEEN THE REPUBLIC OF KOREA AND A COUNTRY ADJACENT TO OR FACING THE TERRITORIAL SEA OF THE REPUBLIC OF KOREA SHALL BE THE MEDIAN LINE CONNECTING ALL POINTS EQUIDISTANT FROM THE POINTS CLOSEST TO THE BASE LINES USED TO MEASURE THE WIDTH OF THE TERRITORIAL SEA OF EACH COUNTRY, UNLESS OTHERWISE AGREED UPON BETWEEN THE COUNTRIES CONCERNED.

ARTICLE 5 (NAVIGATION OF FOREIGN VESSELS)

PARAGRAPH 1. A FOREIGN VESSEL MAY PERFORM INNOCENT
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PASSAGE IN (LIT. NAVIGATE HARMLESSLY) THE TERRITORIAL SEA OF THE REPUBLIC OF KOREA UNLESS IT DISTURBS THE PEACE, PUBLIC ORDER, OR SECURITY OF THE REPUBLIC OF KOREA. IF A FOREIGN WARSHIP OR NON-COMMERCIAL GOVERNMENT VESSEL INTENDS TO NAVIGATE THE TERRITORIAL SEA OF THE REPUBLIC OF KOREA, IT SHALL NOTIFY IN ADVANCE THE COMPETENT AUTHORITIES THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF A PRESIDENTIAL DECREE.

PARAGRAPH 2. A FOREIGN VESSEL COMMITTING ANY OF THE FOLLOWING ACTS WHILE NAVIGATING THE TERRITORIAL WATER OF THE REPUBLIC OF KOREA SHALL BE REGARDED AS DISTURBING THE PEACE, PUBLIC ORDER, OR SECURITY OF THE REPUBLIC OF KOREA; PROVIDED HOWEVER THAT THIS PROHIBITION SHALL NOT APPLY TO ACTIONS UNDER ITEMS 2-5, 11 AND 13 IF APPROVAL OR CONSENT HAS BEEN OBTAINED FROM THE COMPETENT AUTHORITIES.

1. ANY THREAT OR USE OF FORCE AGAINST THE SOVEREIGNTY, PRESERVATION OF THE TERRITORY OR INDEPENDENCE OF THE REPUBLIC OF KOREA, OR THREAT OR USE OF FORCE OF ANY KIND IN SUCH MANNER AGAINST THE PRINCIPLES OF INTERNATIONAL LAW AS EXPRESSED IN THE UNITED NATIONS CHARTER.

2. ANY TRAINING OR MANEUVER USING ARMS. MORE

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3. TAKING OFF FROM, LANDING ON, OR LOADING OF AIRCRAFT ON THE VESSEL.
4. LAUNCHING, LANDING OR LOADING OF MILITARY EQUIPMENT.
5. UNDERWATER NAVIGATION.
6. COLLECTION OF INFORMATION HARMFUL TO THE SECURITY OF THE REPUBLIC OF KOREA.
7. PROPAGANDA OR AGITATION HARMFUL TO THE SECURITY OF THE REPUBLIC OF KOREA.
8. LOADING OR UNLOADING OF GOODS OR CURRENCY OR OF PERSONS, IN VIOLATION OF THE PROVISIONS OF LAWS OR REGULATIONS REGARDING THE CUSTOMS, FINANCE, EXIT OR ENTRY CONTROL, OR HEALTH OR SANITATION OF THE REPUBLIC OF KOREA.
9. DISCHARGE OF CONTAMINATED MATERIALS EXCEEDING THE CRITERIA SET FORTH IN A PRESIDENTIAL DECREE.
10. FISHING.
11. SURVEY OR INSPECTION.
12. DISTURBANCE OF COMMUNICATIONS SYSTEM OF THE REPUBLIC OF KOREA OR DESTRUCTION OF FACILITIES OR EQUIPMENT THEREOF.
13. SUCH OTHER ACTS NOT DIRECTLY RELATED TO NAVIGATION, AS DETERMINED IN A PRESIDENTIAL DECREE.

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PARAGRAPH 3. IF CONSIDERED NECESSARY FOR THE SECURITY OF THE REPUBLIC OF KOREA, IN ACCORDANCE WITH THE PROVISIONS OF A RESIDENTIAL DECREE, THE NAVIGATION OF FOREIGN VESSELS ON THE TERRITORIAL SEA OF THE REPUBLIC OF KOREA, IN DESIGNATED WATER ZONES, MAY BE TEMPORARILY SUSPENDED.

ARTICLE 6 (STOPPAGE OF VESSEL, ETC.)

WHEN A FOREIGN VESSEL (HERE AND SUBSEQUENTLY EXCLUDING WARSHIPS OR NON-COMMERCIAL GOVERNMENT VESSELS OF A FOREIGN COUNTRY) IS SUSPECTED TO HAVE VIOLATED THE PROVISIONS OF ARTICLE 5, THE COMPETENT AUTHORITIES MAY STOP, SEARCH, OR SEIZE THE VESSEL, OR TAKE OTHER NECESSARY MEASURES.

ARTICLE 7 (PENAL RULE)

PARAGRAPH 1. A CREW OR PASSENGER ON BOARD THE FOREIGN VESSEL, WHO HAS VIOLATED THE PROVISIONS OF PARAGRAPHS 2 AND 3 OF ARTICLE 3 SHALL BE PUNISHED BY IMPRISONMENT WITH HARD LABOR OF FIVE YEARS OR LESS, OR A FINE OF 20 MILLION WON OR LESS; AND IF THE CIRCUMSTANCE IS CONSIDERED TO BE GRAVE, THE VESSEL, EQUIPMENT AND CATCH, OR GOODS IN VIOLATION OF LAW, MAY BE CONFISCATED.

PARAGRAPH 2. A CREW MEMBER OR PASSENGER ON BOARD A FOREIGN VESSEL, WHO REJECTS, INTERFERES WITH, OR EVADES AN ORDER OR MEASURES PURSUANT TO THE PROVISIONS OF ARTICLE 6 SHALL BE PUNISHED BY IMPRISONMENT WITH HARD LABOR OF TWO YEARS OR LESS OR A FINE OF 10 MILLION WON OR LESS.

PARAGRAPH 3. PUNISHMENT BY PENAL SERVITUDE AND PENALTY UNDER PARAGRAPHS 1 AND 2 MAY BE IMPOSED CONCURRENTLY.

PARAGRAPH 4. IN APPLICATION OF THE PROVISIONS OF THIS ARTICLE, IF AN ACT CONSTITUTES AN OFFENSE, UNDER ANOTHER UNCLASSIFIED

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LAW AS WELL AS AN OFFENSE UNDER THIS LAW. THE PUNISHMENT SHALL BE ACCORDING TO THE HEAVIER PENALTY.

ARTICLE 8 (EXCEPTIONAL RULE FOR WARSHIPS, ETC.,)

WHEN A WARSHIP OR NON-COMMERCIAL GOVERNMENT VESSEL OF A FOREIGN COUNTRY OR ITS CREW OR PASSENGER HAS VIOLATED THE PROVISIONS OF THIS ACT OR OTHER LAWS CORRECTIVE MEASURES OR DEPARTURE FROM THE TERRITORIAL SEA OF THE REPUBLIC OF KOREA MAY BE DEMANDED.

ADDENDUM

THIS ACT SHALL BE PUT INTO EFFECT ON AND AFTER A DATE, AS DETERMINED BY PRESIDENTIAL DECREE, WITHIN 4 MONTHS FROM THE DATE OF PROMULGATION. END TEXT
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